

Columbus Police Supervisor's Manual	EFFECTIVE Dec. 30, 2010	NUMBER 6.00
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<b>Administrative Investigations</b>		



#### Cross Reference:

Division Directive: 2.01, 2.02, 2.03, 2.04, 3.03, 5.02, 5.03, 5.04, 6.02, 7.02, 8.02, 9.08, 11.02, 11.06, **11.07**

Supervisor's Manual: 1.03, 5.00, 6.01, 6.02, 6.03, 6.04, 6.05, 6.06, 6.07, 6.08

## I. Scope

This section pertains to administrative investigations conducted by the chain of command. Citizen complaints shall be forwarded for investigation as specified in the "Complaints" directive, while criminal investigations of Division personnel shall be conducted by the appropriate unit as directed by the involved employee's deputy chief. Supervisors shall follow the guidelines in Section VII for investigations forwarded through the chain of command.

## II. General

- A. Administrative investigations are conducted to review and document certain police actions and other incidents to ensure Division personnel acted within law and Division policy. These investigations may be scrutinized by the chain of command, media, public, involved parties, or during grievance or arbitration hearings. Investigating supervisors shall complete a thorough, objective, and accurate investigation of each incident.
- B. Some administrative investigations are required to be documented in an investigative letter format and may involve significant investigation and documentation. Other administrative investigations are much less involved and may be documented on the appropriate Division form.
- C. A sworn or civilian supervisor is required to conduct an administrative investigation for the following incidents:
  1. Citizen complaints forwarded from the Internal Affairs Bureau (IAB)
  2. **Personnel entering** AWOL status
  3. Incident(s) involving Division personnel engaged in possible misconduct
  4. Lost or damaged Division or personal property or equipment
  5. Suspected abuse of sick leave

Note: Civilian supervisors supervising sworn personnel shall not investigate incidents with a law enforcement nexus or pertaining to the authority granted to a police officer. Such investigations shall be forwarded to the next level sworn supervisor in the involved employee's chain of command.

- D. In addition, a sworn supervisor is required to conduct an administrative investigation for the following incidents:
1. Use of force
  2. Body cavity or strip search
  3. Court case dismissed due to lack of probable cause
  4. Forced entry
  5. Injury to prisoner during or prior to police contact
  6. Traffic crash involving on-duty Division personnel or a City vehicle or marked unit operated by a Division employee
  7. Use of a firearm as specified in the "Discharged Firearms" directive
  8. Use or attempted use of a stopping tactic
  9. Use of ~~t~~aser against an animal
  10. Vehicular pursuit
  11. Lost or damaged property belonging to suspects/citizens
- E. The immediate supervisor of the primary involved employee should conduct the administrative investigation when practical and able to respond. When the immediate sworn supervisor is not available to conduct an investigation that requires an immediate response, an available Patrol supervisor from the zone where the incident occurred should complete the investigation.
- F. The investigating supervisor shall complete and forward an administrative investigation within 14 days of becoming aware of the incident.
1. If additional time is needed, the supervisor shall notify the involved employee's **bureau** commander/manager in writing and explain the reason(s) for the delay **every 14 days**. Notification may be made electronically.
  2. ***Upon the third notification, the investigating supervisor shall notify the deputy chief and inform him or her of the reason for the delay.***
- G. When initiating an investigation into a use of force of a Level 3 or above or an allegation of serious misconduct, the investigating supervisor **shall** send a notification email to the IAB duty desk **and** the employee's chain of command up to the **bureau commander/manager** prior to the end of **his or her** tour of duty.
- H. Supervisors shall maintain the confidentiality of any sensitive or personal information gathered during an investigation. Only personnel with a need to know should be allowed to access the information.
- I. Supervisors shall ensure that all time restrictions and required notifications for completing an administrative investigation are met as outlined in each respective collective bargaining agreement (**CBA**). Supervisors shall complete and fax a City of Columbus Summary of Investigation form when notifying the respective union of the **final disposition** of an investigation of a CWA or AFSCME employee.

### **III. Guidelines for Sworn Supervisors Conducting an Administrative Investigation**

#### **A. Respond to the Scene**

1. When necessary, respond immediately to the scene to ensure that fresh witness statements and evidence can be gathered.
2. Note the conditions of the scene such as lighting; weather; location of vehicles, objects, or obstructions; signs of a struggle; and property damage.
3. Note the physical and mental/emotional condition and demeanor of the involved persons, and document spontaneous statements made by suspects and witnesses.

#### **B. Canvass the Area**

1. Canvass the area in order to identify potential witnesses and evidence.
2. Conduct a follow-up canvass of the area when necessary. Reviewing the scene or canvassing the area after the incident may provide evidence or witnesses that were not known at the time of the incident.
3. Identify and record all addresses visited, including those where there was no response.
4. Identify and record all persons contacted and statements made, including those who indicated they did not witness the incident.

#### **C. Conduct Interviews**

1. Conduct all interviews in person when possible. Telephone interviews may be conducted for minor incidents or when it is impractical to complete the interview in person.
2. Interview all potential witnesses, including persons who may provide information regarding statements made by involved persons, and Division personnel who responded to assist (for example, Canine Unit Officer, Helicopter Crew, EMS personnel).
3. Interview Suspects
  - a. Ensure a suspect in custody is aware of his or her constitutional rights before conducting interviews in which the suspect's statements may be used as evidence. Complete a Constitutional Rights, form I-20.109, as necessary.
  - b. Contact investigative personnel prior to conducting an interview when an investigative unit will be handling the criminal investigation.
  - c. Conduct interviews only after any needed criminal interviews are completed.
4. Interview the primary involved Division personnel. The interview may be completed at the scene of the incident or at another more secure location depending on the circumstances.

- a. Ensure that the employee is afforded his or her rights **pursuant to** the applicable **CBA**, including the opportunity to contact a union representative prior to conducting the interview.
  - b. Use the Notification of Internal Investigation, Rights, and Administrative Order to Submit to Interview, form A-42.107, when it is reasonably believed that discipline may result from the incident.
5. Use active listening skills during all interviews, **and** challenge and clarify the meanings of words, the chronology of events, questionable statements, etc. The goal of the interview is to get an accurate and factual account of the incident.
- a. Ask specific questions about what was seen and heard regarding the actions of Division personnel, suspects, or other witnesses.
  - b. Identify where witnesses were during the incident, and make a reasonable determination regarding their ability to see or hear the event.
  - c. Take notes to document pertinent information and specific statements in as much detail as possible.
  - d. A recording device may be used as necessary, and **it** is strongly encouraged for investigations involving incidents of a serious nature or that are reasonably believed will result in discipline. Any recordings made shall be **transferred to digital format and attached to the investigation**. **CBAs** may mandate the use of a recording device in certain instances. **Refer to the procedures outlined in the “Property and Evidence Handling” directive.**
6. Question individuals further when statements seem rehearsed or mirror one another, and address the credibility of the statements.
7. Conduct follow-up interviews as necessary to address discrepancies in statements, new evidence or witnesses, or as needed to complete a thorough investigation.
- D. Collect and Review Evidence
- 1. Photographs
    - a. Take photographs as needed and within Division policy to document evidence or other aspects of the investigation, including but not limited to:
      - (1) Injuries or property damage caused by or claimed to have been caused by Division personnel, suspects, or other parties
      - (2) Material evidence that will not be seized or may be lost due to weather conditions or other reasons
      - (3) The condition of a scene
    - b. When photographing a person, take at least one full-body photograph that shows the face of the subject.

- c. Take at least three photographs of each injured area or alleged injured area. Division personnel shall not photograph a person's genitals, buttocks, or breasts as part of an administrative investigation. Injuries to these sensitive areas shall be described in the investigative letter or form documenting the incident.
  - d. Take one full photograph and at least two other photographs from different angles of property that is damaged or alleged to be damaged.
  - e. Photographs for administrative investigations shall be uploaded following the procedures outlined in the "Property and Evidence Handling" directive. The investigative letter or form shall clearly state that photographs were taken, what was documented in the photographs, and how many were taken.
2. **Video Recordings**
- a. Obtain and review all recordings made pursuant to the incident under investigation.
- Note: Employee misconduct detected as a result of video review should be addressed, and the supervisor should make the appropriate disciplinary recommendation.***
- b. ***Document the review of all recordings related to incidents under investigation on the Incident Video Review, form U-10.197. Address the relevant portion(s) of the recording within the administrative investigation to be reviewed by the chain of command as necessary.***
  - c. ***Document irrelevant video recording(s) or the absence of video recording(s) on the Incident Video Review and the reason, for example, identify all marked units and all personnel without video equipment or video equipment that was inoperable or not activated at the time of the incident.***
3. **Other Material Evidence or Documentation**
- a. Collect and review other evidence or documentation that adds to the investigation, including:
    - (1) Incident reports
    - (2) Traffic crash reports
    - (3) Arrest reports
    - (4) Computer Aided Dispatch (CAD) data and/or other incident information
    - (5) Copies of radio transmissions
    - (6) Security video
  - b. Review evidence collected as part of a criminal investigation as needed.

- c. Prepare sketches, diagrams, or take measurements to document positioning, distance between objects, and communicate movement or a sequence of events as needed. The Crime Scene Search Unit may provide assistance at particularly complex scenes.
  - d. The investigating supervisor should review associated paperwork for accuracy and consistency regarding statements and evidence and ensure corrections are made as needed.
- E. Document the investigation by completing an investigative letter and/or Division form with the results of the investigation as appropriate.

#### IV. Guidelines for Civilian Supervisors Conducting an Administrative Investigation

##### A. Conduct Interviews

- 1. Conduct all interviews in person when possible.
- 2. Interview all potential witnesses, including persons who may provide information regarding statements made by involved persons.
- 3. Interview the primary involved Division personnel. The interview may be completed at the scene of the incident or at another more secure location depending on the circumstances.
  - a. Ensure that the employee is afforded his or her rights **pursuant to** the applicable **CBA**, including the opportunity to contact a union representative prior to conducting the interview.
  - b. Use the Notification of Internal Investigation, Rights, and Administrative Order to Submit to Interview, **form A-42.107**, when it is reasonably believed that discipline may result from the incident.
- 4. Use active listening skills during all interviews, **and** challenge and clarify the meanings of words, the chronology of events, questionable statements, etc. The goal of the interview is to get an accurate and factual account of the incident.
  - a. Ask specific questions about what was seen and heard regarding the actions of Division personnel or other witnesses.
  - b. Identify where witnesses were during the incident, and make a reasonable determination regarding their ability to see or hear the event.
  - c. Take notes to document pertinent information and specific statements in as much detail as possible.
  - d. A recording device may be used as necessary, and **it** is strongly encouraged for investigations involving incidents of a serious nature or that are reasonably believed will result in discipline. Any recordings made shall be **transferred to digital format and attached to the investigation**. **CBAs** may mandate the use of a recording device in certain instances. **Refer to the procedures outlined in the "Property and Evidence Handling" directive.**

5. Question individuals further when statements seem rehearsed or mirror one another, and address the credibility of the statements.
  6. Conduct follow-up interviews as necessary to address discrepancies in statements, new evidence or witnesses, or as needed to complete a thorough investigation.
- B. Collect and Review Evidence
1. Photographs
    - a. Take photographs as needed and within Division policy to document evidence or other aspects of the investigation.

Note: Refer to **Section III,D,1** as applicable.
  2. Other Material Evidence or Documentation
    - a. Collect and review other evidence or documentation that adds to the investigation.

Note: Refer to **Section III,D,3** as applicable.
- C. Document the investigation by completing either an investigative letter and/or Division form with the results of the investigation as appropriate.

## V. Investigative Letters

- A. An investigative letter should be written in a manner that allows the reader to accurately evaluate the events of the incident and reasonably conclude whether the employee's actions were lawful and/or within Division policy. Include as much detail as necessary to answer all questions regarding who, what, where, when, how, and why.
- B. Examples of investigative letters can be found in the "Example Letters" folder on the Division intranet by following the "Online Forms" and "Division Forms" links.
- C. Use the basic format in the following template when writing an investigative letter.
  1. Heading

### **DIVISION OF POLICE**

Intra-Divisional

(Date)

TO: (Chief)

FROM: (Investigating supervisor/IBM/Assignment)

SUBJECT: (Subject of letter)

Incident #:

RE: (Involved personnel/badge/assignment)

(Break line)

(The following applicable information should be included under the break line when the incident involves a Use of Force, Injury to Prisoner, or as needed.)

Suspect: *(Name, race/gender/age)*

Address:

Phone:

DOB:

CPD ID:

Charge(s):

Date of occurrence:

Time of occurrence:

Place of occurrence:

Property number:

Witnesses: *(Sworn/civilian)*

Weapons Involved: *(Officer/suspect)*

Injuries: *(Officer/suspect)*

Medical treatment: *(Medic unit, hospital, doctor, condition)*

## 2. Body of Letter

### a. Summary

- (1) Include a greeting, Sir or Ma'am.
- (2) Include a summary in chronological order documenting the investigative steps taken.
- (3) Include how you were notified of the incident. Describe the incident leading up to the investigation and all elements that led to probable cause for an arrest or reasonable suspicion for an investigative detention. Include the lack of probable cause or reasonable suspicion and actions taken to address the issue, when applicable.
- (4) Include the description of the scene and conditions at the time of the incident if known.
- (5) Note who was interviewed and what evidence was gathered.
- (6) Document the investigative unit that responded to the scene and/or the personnel conducting the criminal investigation of the incident. Note evidence collected as part of the criminal investigation when applicable.

### b. Interviews

- (1) Summarize each interview separately and include all pertinent facts or statements gathered from the interview. Identify the person interviewed and when and where the interview was conducted.
- (2) Identify any differences in accounts when similar stories are provided. Each person will have information to contribute.
- (3) Document the time and date that the suspect was informed of his or her constitutional rights as applicable.



c. Evidence and Documentation

- (1) List separately the evidence or documentation gathered or reviewed and explain its significance to the investigation. Indicate **whether** the investigation includes photographs.
- (2) Explain the absence of evidence as necessary.
- (3) Briefly describe what evidence is depicted in photographs.

3. Conclusion and Recommendations

- a. The investigating supervisor should make a finding regarding fault or no-fault, culpability, negligence, and/or compliance with Division policy as applicable for each respective aspect of the investigation. The standard of proof used to make the finding shall be a preponderance of evidence.
  - b. Supervisors shall make **impartial** findings based on the evidence and statements gathered and provide explanations why any statements or evidence are discounted or given more weight or significance than others. Any opinions should be supported by statements, facts, or evidence gathered as cited in the investigation.
  - c. Cite **the** applicable code, law, directive, policy, procedure, Rule of Conduct, or City Work Rule, as appropriate. Cite and/or summarize applicable case law as needed. When a violation occurred, cite the Rule of Conduct for sworn personnel and the City Work Rule for civilian personnel.
  - d. Include a recommendation of corrective/disciplinary actions or the corrective/disciplinary actions taken, as applicable. The involved sworn employee's immediate supervisor at the time of the incident is responsible for recommending or, **when applicable**, issuing any corrective/disciplinary action. The involved civilian employee's immediate supervisor is responsible for recommending or issuing any corrective/disciplinary action. The investigating supervisor should not recommend or issue corrective/disciplinary actions unless responsible for doing so. ***If a documented constructive counseling or written reprimand is recommended, prepare a draft copy of the Disciplinary Action, form A-17, and send it with the investigative packet for future issuance if approved by the chain of command.***
4. Closing
- Respectfully submitted,  
(Signature)  
(Investigating supervisor/IBM/assignment)
5. Attachments: (as applicable)

## VI. Exculpatory Evidence

- A. Sworn personnel must disclose to the prosecutor any evidence that may be beneficial to a defendant's criminal case.
- B. The investigating supervisor shall complete and forward a Prosecutor's Notification of Administrative Investigation, form U-10.166, to the appropriate prosecutor's office when an administrative investigation is initiated, the suspect is criminally charged, and:
  - 1. A citizen complaint is associated with the incident,
  - 2. A use of force is associated with the incident, or
  - 3. Any time there is reasonable belief that the investigation may contain statements or evidence beneficial to a defendant's criminal case.
- C. The investigating supervisor shall document in the investigation that the prosecutor's notification and a copy of the investigation were sent and forward a copy of the investigation to the appropriate prosecutor's office.

## VII. Chain of Command Review

- A. Complete an investigative packet before forwarding to the chain of command for review. Follow the appropriate **directive** or Supervisor's Manual section regarding specific types of investigations. As applicable, an investigative packet should include the following:
  - 1. Routing Sheet for Correspondence, form A-10
  - 2. Data Processing Worksheet, form U-10.164
  - 3. Investigative letter/applicable Division report or form
  - 4. Incident **report**
  - 5. CAD **report**
  - 6. Arrest Information, form U-10.100
  - 7. **Relevant video** recordings
  - 8. City of Columbus Summary of Investigation form
  - 9. Other documentation necessary to the investigation
  - 10. Diagrams, sketches, etc.
- B. All administrative investigations involving sworn personnel shall be forwarded through the involved employee's chain of command where the employee was assigned at the time of the incident unless otherwise directed by the Chief of Police. Administrative investigations involving civilian personnel shall be forwarded to their current immediate supervisor.
  - 1. If the involved employee's chain of command is advised that an IAB investigation has commenced **regarding** the incident, the administrative investigation **shall** still be forwarded; however, the investigative packet **shall** only be reviewed for thoroughness and accuracy. No recommendations **shall** be made. Once the investigation has been reviewed by the chain of command, it **shall** be forwarded to IAB to be included within

the IAB investigative package. When the IAB investigation is complete, the chain of command **shall** then rule on the first-line supervisor's letter in addition to the complaint investigation.

2. If the administrative investigation has been started but not completed prior to the initiation of the IAB investigation, a determination **shall** be made by the IAB Commander on a case-by-case basis whether to continue with the chain of command's administrative investigation. The administrative investigation **shall** be held in abeyance pending the IAB Commander's decision. Upon notification of the IAB Commander's decision, the assigned IAB investigator **shall** notify the involved chain of command.

- C. Forward separate copies of the investigation through each involved employee's chain of command when deputy chiefs from different chains of command will review the packet. Note within the investigation that separate investigations were forwarded. Each supervisor shall make recommendations regarding only his or her subordinates.

Note: When making recommendations, take into consideration the Discipline Tracking System and other supervisors' recommendations for similar circumstances.

- D. Each supervisor shall review the investigation for errors, including grammar, spelling, deletions, procedural issues, etc. The investigation should be sent back for needed corrections before forwarding. If any corrections could affect recommendations already made, the investigation shall be forwarded back through the chain of command to be re-evaluated and include notification of the changes and corrections.
- E. Each reviewing supervisor shall **make** appropriate recommendations regarding the disposition of the incident or other peripheral issues raised, either on the Routing Sheet or in an attached letter of information. **Sign** and date the Routing Sheet before forwarding the investigative packet to the next supervisor. ***If disagreeing with a recommendation, provide justification for your finding(s).***
- F. ***Each supervisor shall make a recommendation and finding within two weeks after receiving an investigation. If additional time is needed, the supervisor shall notify his or her immediate supervisor via email and explain the reason(s) for the delay (absence, workload, or length of investigation, etc.).***
- G. After the administrative investigation has been through the appropriate chain of command, the final reviewing person/entity shall ensure that the submitting supervisor is notified to remove the administrative copies of any photographs as outlined in the "Property and Evidence Handling" directive.